

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

RICHARD FERDINAND TOUSSAINT, JR.

NO. 3:15-CR-215-O

**GOVERNMENT’S BRIEFING IN SUPPORT OF FORFEITURE**

The United States of America (“the government”) respectfully responds to this Court’s Order (dkt. 163) requiring the government to provide a witness list for its hearing on forfeiting a money judgment against Defendant Richard Toussaint, and in support states:

PROPOSED WITNESS LIST

1. Dr. Asa Lockhart, MD, MBA. Dr. Lockhart testified as the government’s trial expert. Dr. Lockhart will testify regarding his review and analysis of the claims data and anesthesia records involved in the case. Specifically, he will testify regarding the amount that the defendant was personally paid for allegedly medically directing CRNAs. He will also testify about the analysis he did to determine how much the insurance carriers overpaid as a result of CRNAs inflating their claims at Toussaint’s direction. If necessary, he will also testify about the way that anesthesia procedures are billed to insurance carriers and the way those carriers pay such claims. A copy of Dr. Lockhart’s analysis has

- been provided to the defense. Dr. Lockhart's testimony should take approximately thirty minutes.
2. FBI Special Agent Susana Shaw. Agent Shaw will testify to her investigation of the case and interview of Ascendant CRNAs who reported that Toussaint pre-signed and falsified medical records and failed to perform services. She will also testify that those CRNAs were directed to inflate their anesthesia times. She will also testify about her acquisition of claims data and anesthesia records from insurance carriers involved in the case. Her testimony should take approximately thirty minutes.
  3. OPM-OIG Special Agent Casey England. Agent England is prepared to testify on the same matters as Agent Shaw. The government will not likely have both Agent England and Agent Shaw testify but will have one testify based on their availability. As with Agent Shaw, Agent England's testimony should take approximately thirty minutes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2016, I electronically filed the foregoing document with the clerk of the court using the Electronic Case Filing “ECF” system which will send notification of such filing to the defense counsel(s).

/s/ Mark J. Tindall  
MARK J. TINDALL  
Assistant United States Attorney